

**Title 19 – DEPARTMENT OF HEALTH and SENIOR SERVICES**

**Division 30 – Division of Regulation and Licensure**

**Chapter 61 – Licensing Rules for Family Child Care Homes**

**PROPOSED AMENDMENT**

**19 CSR 30-61.135 Admission Policies and Procedures.** The department is adding a new section (2), renumbering thereafter, and amending sections (1) and (6).

*PURPOSE: This amendment requires family child care home providers to implement and maintain written policies pertaining to safe sleep for children less than one (1) year of age in accordance with the American Academy of Pediatrics (AAP) recommendations, and provides minimum requirements for the provider's safe sleep policy.*

(1) The provider shall establish, **implement and maintain** written policies pertaining to the program goals, admission, **safe sleep practices for children less than one (1) year of age**, care and discharge of children, and shall provide a copy to the parent(s) at the time of enrollment.

(2) The provider's infant safe sleep policy shall comply with section 210.223, RSMo, and shall include, but not be limited to:

**A. The following safe sleep practices:**

1. The policy shall list the licensee's expectations regarding how and when caregivers are to be trained on safe sleep;
2. A requirement that children less than one (1) year of age be placed on their backs to sleep;
3. A requirement that the facility shall receive a written statement from the infant's licensed health care provider stating that the infant requires alternative sleep positions or special sleeping arrangements that differ from those set forth in 19 CSR 30-61.175(2)(C) prior to allowing the infant to be placed in a sleep position that is not on his or her back; and
4. Supervision of infants during nap/sleep times, to include:
  - a. Positioning of staff,
  - b. Lighting in the nap room,
  - c. Physical checks of the child to ensure he or she is not overheated or in distress, and
  - d. Prohibitions against the use of any equipment such as a sound machine that may interfere with the caregiver's ability to see or hear a child who may be distressed.

**B. The following requirements for safe sleep environments:**

1. The policy shall state that cribs and playpens must have a firm mattress and tight fitting sheets, be free of loose bedding, bumper pads, pillows, and soft toys;
2. Shall require infants' heads be uncovered during nap/sleep times;

- 3. Shall prohibit covering cribs or playpens with blankets or bedding;**
- 4. Shall prohibit smoking in the child care home during the hours children are in care; and**
- 5. Shall require giving the parent(s) or guardian(s) of each infant in care a copy of the provider's safe sleep policy upon the child's enrollment.**

**(3)** The provider shall have available a copy of the Licensing Rules for Family Day Care Homes in Missouri and shall advise the parent(s) at the time of enrollment of his/her child of the availability of the rules for review.

[(3)] **(4)** A child who has a special physical, developmental or behavioral need shall have on file an individualized plan for specialized care from a professionally qualified source.

[(4)] **(5)** The provider shall assess his/her ability to provide care for the special needs child while also meeting the needs of the other children.

[(5)] **(6)** The provider shall develop and implement a procedure for admitting children which shall include:

(A) A personal interview with the parent(s) and child to exchange information and arrive at a mutual decision about admitting a child;

(B) A plan for continuing communication between the child care provider and the parent(s);

(C) Discussion of the plan for providing for the care of the ill child as required by 19 CSR [40]30-61.185 Health Care;

(D) Discussion of the parental plan for providing for the care of the child when the provider is ill or for the care of school-age children on scheduled days of school closing; and

(E) Completion by the parent(s) of the following written information which shall be on file before the child is accepted for care:

1. All information required by 19 CSR [40]30-61.210 Records and Reports;

2. Information regarding a child's personal development, behavior patterns, habits and individual needs;

3. Instructions for action to be taken if the parent(s) or physician designated by the parent(s) cannot be reached in an emergency and permission for emergency medical care;

4. Information indicating that the child has completed age-appropriate immunizations, is in the process of completing immunizations or is exempt from immunization requirements as defined by 19 CSR [40]30-61.185 Health Care;

5. Permission for field trips, transportation to and from school and other transportation;

6. Permission for school-age children to leave the home to participate in classes, clubs or other activities, naming the activity, time of leaving and returning and the method of transportation to and from the activity (Permission for regular activities such as scouting may be given for the entire school term.); and

7. Acknowledgement by the parent(s) that

A. They have received a copy of the provider's policies pertaining to the admission, care and discharge of children;

B. They have been informed that the Licensing Rules for Family Day Care Homes in Missouri are available in the home for their review;

C. They and the provider have agreed on a plan for continuing communication regarding the child's development, behavior and individual needs; and

D. They understand and agree that the child may not be accepted for care when ill.

**E. They have received a copy of the provider's safe sleep policy when enrolling children less than one (1) year of age.**

**F. They have been notified that they may request notice at initial enrollment in or attendance at the facility or upon request of whether there are children for whom an immunization exemption has been filed currently enrolled in or attending the facility.**

[(6)] (7) If care is provided for children related to the provider who do not live in the home, the parent(s) shall complete and sign a form which is supplied by the department. The form shall be on file at the home before related children are accepted for care and shall contain the following identifying information:

(A) Each child's name, address, birth date and date of admission;

(B) Each child's relationship to the provider; and

(C) The parent's(s)' name(s), address(es) and telephone number(s).

[(7)] (8) If a provider enrolls children for irregular or intermittent care, all procedures for admitting children shall be followed. Children enrolled on an irregular or intermittent basis shall be accepted only by appointment and shall not cause the home to exceed its licensed capacity.

[(8)] (9) After attempts have been made to meet a child's individual needs, any child who demonstrates an inability to benefit from the care offered by the child care provider or whose presence is detrimental to other children may be discharged from the home.

[(9)] (10) Care of a child may be discontinued if the provider and the parent(s) cannot establish a mutually satisfactory working relationship.

[(10)] (11) Parents shall have access to the home at any time during child care hours.

*AUTHORITY: section 210.221[.1(3)], RSMo [Supp. 1993] 2000, and section 210.223, RSMo (HCS for SCS for SB 341, 98<sup>th</sup> General Assembly, First Regular Session (2015)).\* This rule previously filed as 13 CSR 40-61.120, 13 CSR 40-61.135 and 19 CSR 40-61.135. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.135, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.135 July 30, 1998. Amended: Filed November 10, 2015.*

*\*Original authority: 210.221.1(3), RSMo 1949, amended 1955, 1987, 1993.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this amended rule with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at [Sue.Porting@health.mo.gov](mailto:Sue.Porting@health.mo.gov) . To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*